



Westfield City Council Report

Resolution Number:	14-118
APC Petition Number:	1407-ZC-02
Subject Site Address:	3334 East 146 th Street
Petitioner:	L & Q Realty, LLC
Requested Action:	Petitioner requests modifications to the zoning commitments associated with Ordinance 06-49.
Current Zoning District:	Bridgewater PUD (Ordinance 06-49)
Approximate Acreage:	1.17 acres +/-
Exhibits:	<ol style="list-style-type: none">1. Staff Report2. Aerial Location Map3. Current Bridgewater PUD Zoning Commitments (associated with Ord. 06-49)4. Perspective Renderings5. Proposed Site Plan6. APC Certification7. Public Comment
Prepared by:	Kevin M. Todd, AICP

PETITION HISTORY

This petition was introduced at the May 12, 2014, City Council meeting. The petition received a public hearing at the June 2, 2014, Advisory Plan Commission (the "APC") meeting. The APC forwarded the petition to the Westfield City Council (the "Council") with a favorable recommendation for approval at its July 7, 2014, meeting. The APC Certification is included as Exhibit 5.

PROCEDURAL

- This petition was introduced at the June 9, 2014 City Council meeting.
- The petitioner held a neighborhood meeting on June 25, 2014.
- A public hearing was held at the July 21, 2014 Advisory Plan Commission (the "APC") meeting.
- At its August 4, 2014 meeting, the APC issued a favorable recommendation (6-1) of the proposed change in zoning request.
- The Council may take action on this item at its August 11, 2014, meeting.

PROJECT OVERVIEW

When the subject area of the Bridgewater PUD was zoned in 2006, zoning commitments were made in addition to the terms of the PUD Ordinance. A sub-section of the zoning commitments established specific requirements for an automobile service station use. The Petitioner is requesting to amend one (1) of the zoning commitments that apply to an automobile service station use.

Fuel Canopy

Current Commitment (Section 4.E.3): All gas pumps shall be located away from perimeter or external streets, as illustrated by the Drawing.

Proposed Commitment Modification: All gas pumps shall be located and covered with a canopy as depicted on the attached Site Plan.

On March 18, 2014, the Advisory Plan Commission approved a development plan and site plan (1403-DP-05 & 1403-SIT-03) for a new Ricker's gas station and convenience store on the subject property. The plan depicted a fuel canopy that was located on the east side of the convenience store building (interpreted to be "away from" Carey Road) and setback thirty (30) feet from the south façade of the convenience store building (interpreted to be "away from" 146th Street). As a result of setting the canopy back thirty (30) feet from the south façade of the building, the approved development plan does not include a canopy over the southern-most fuel pump.

The petitioner is requesting to modify the commitment which requires gas pumps to be located away from perimeter or external streets by referencing a site plan which shows a canopy over all pumps.

MODIFICATION TO THE REQUEST SINCE THE COUNCIL INTRODUCTION

The original proposal that was presented to the City Council on June 9, 2014 included a request to amend a commitment regarding the hours of operation. As a result of neighbor feedback, the petitioner modified the proposal by withdrawing the hours of operation portion of the request. At its August 4, 2014 meeting, the APC made a recommendation on a proposal that included only the fuel canopy modification, as noted above (this is the same as the current proposal, Resolution 14-118).

RECOMMENDATIONS / ACTIONS

APC Recommendation

At its August 4, 2014, meeting, the APC forwarded a **favorable recommendation** of Resolution No. 14-118 (APC Petition No. 1407-ZC-02) to the Council (Vote of: 6 in favor, 1 opposed).

City Council

Introduction: June 9, 2014

Eligible for Adoption: August 11, 2014

Submitted by: Kevin M. Todd, AICP

Economic and Community Development Department